

the facts of this case arise out of the same criminal schemes and transactions as charged in Levine.

On May 5, 2011, a grand jury returned an indictment against Keith Levine, charging him with conspiring to distribute and distributing marijuana, in violation of Title 21, United States Code, Sections 846 and 841(a)(1). The Levine case was assigned to Judge Townes. In September 2011, a grand jury returned a superseding indictment in Levine, which added Joseph Sclafani to the marijuana conspiracy, and charged Sclafani, Neil Lombardo and Afrim Kupa with conspiring to distribute and distributing cocaine.

On February 7, 2012, Steven Iucci pled guilty before Magistrate Judge Levy, pursuant to a cooperation agreement with the government, to an information charging him with conspiring to distribute and distributing marijuana and cocaine. Iucci's cooperation included providing information and testimony (if the case had gone to trial) regarding his drug trafficking activities with Sclafani, Lombardo and Afrim Kupa. Iucci's case was assigned to Judge Townes after the government certified that relation of his case to the Levine case was proper because it involved the same specific conspiratorial conduct that was the subject of the charges alleged in Levine.

Upon the government's motion, Judge Levy ordered that "John Doe" be substituted for Iucci's true name on the docket sheet, and any entries, Court calendars and all documents not filed under seal in light of the risk of danger to Iucci and his family given his cooperation with the government. In its motion, the government noted that Lombardo and Sclafani, both of whom are inducted members of the Gambino organized crime family of La Cosa Nostra, have violent criminal histories. Lombardo, in particular, was convicted in 2000 of witness tampering in the United States District Court for the Southern District of New York, for attempting to murder the brother of a DEA informant. At the time of the attempted murder, Lombardo had been a federal fugitive for nearly seven years. Lombardo believed that the DEA informant had provided information to the government regarding his narcotics trafficking activities and in retaliation Lombardo shot the DEA informant's brother in the chest and neck and ran him over with a car.

On April 1, 2013, Chief Judge Amon issued an order reassigning the Levine case from Judge Townes to Judge Gleeson. All defendants charged in the Levine case pled guilty and were sentenced by Judge Gleeson.

Iucci's cooperation with the government is complete and the government requests that the Court hold a sentencing hearing for Iucci. Because Judge Gleeson has sentenced Iucci's coconspirators, the government respectfully submits that reassignment of his case from Judge Townes to Judge Gleeson for sentencing would be appropriate, as it would likely result in a significant savings of judicial resources and serve the interests of justice.


The government further respectfully requests that this letter be filed under seal and that the Court caption the proceedings of Iucci's sentencing under the heading "John Doe" on the docket sheet.¹ [REDACTED]

[REDACTED] The government submits that sealing this letter and using the caption "John Doe" instead of Iucci's true name on the public docket sheet is justified given the continued risk of danger to Iucci and his family, including the ability of Lombardo's and Sclafani's criminal associates, e.g., members and associates of La Cosa Nostra, to follow them from the courthouse. See United States v. Doe, 63 F.3d 121, 127-28 (2d Cir. 1995) (danger to person can justify courtroom closure).

Respectfully submitted,

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cc: Clerk of the Court (SLT) (by hand)
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¹ The government is not requesting that the courtroom be sealed for Iucci's sentencing hearing.